

Effective 5/10/2016

51-9-411 Law Enforcement Operations Account -- Share of surcharge -- Uses.

- (1) As used in this section:
 - (a) "Account" means the Law Enforcement Operations Account.
 - (b) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (c) "Law enforcement agency" means a state or local law enforcement agency.
 - (d) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) There is created a restricted account within the General Fund known as the Law Enforcement Operations Account.
- (3)
 - (a) The Division of Finance shall allocate the balance of the collected surcharge under Section 51-9-401 that is not allocated under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, to the account, to be appropriated by the Legislature.
 - (b) Money in the account shall be appropriated to the commission for implementing law enforcement operations and programs related to reducing illegal drug activity and related criminal activity as listed in Subsection (5).
 - (c) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.
 - (d) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- (4)
 - (a) The commission shall allocate grants of funds from the account for the purposes under Subsection (5) to state, local, or multijurisdictional law enforcement agencies and other appropriate agencies.
 - (b) The grants shall be made by an application process established by the commission in accordance with Subsection (6).
- (5)
 - (a) The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.
 - (b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.
- (6)
 - (a) In allocating grants and determining the amount of the grants, the commission shall consider:
 - (i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and
 - (ii) the agency's cooperation with other state and local agencies and task forces.

- (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.
- (7) Recipient agencies may only use grant money after approval or appropriation by the agency's governing body, and a determination that the grant money is nonlapsing.
- (8) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.
- (9) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following regarding each grant:
 - (a) the agency's name;
 - (b) the amount of the grant;
 - (c) the date of the grant;
 - (d) how the grant has been used; and
 - (e) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant.

Amended by Chapter 191, 2016 General Session